



## Las Pilitas Quarry DEIR Comments from SMART

upndair@netzero.com to: mwilson, darnold, jcaffee, pteixeira  
Cc: d.arndt, william, bclark8760

06/04/2013 03:37 PM

1 attachment



13cwk.cwk

Dear Mr. Wilson, and Supervisors Arnold and Teixeira,  
I am copying SMART's comments about the DEIR for the Las Pilitas Quarry in this email.  
I am also attaching a copy in case that is easier for you to print.  
Thank you,  
John Beccia

June 4, 2013

Dear SLO County Planning Dept. and URS Corporation,  
I am submitting comments to the DEIR for the Oster/Las Pilitas Quarry project proposal on behalf of Santa Margarita Area Residents Together (SMART).

First of all, I want to thank the county for extending the comment period so the community could have adequate time to study this complex proposal. This project could have a very significant impact on the quality of life for the residents who live near the proposed quarry, and for the town that will bear many of the traffic and noise impacts.

### INTRODUCTION

1) ASPHALT & CONCRETE RECYCLING - In the discussion of the recycling objective on pages 1-2 and 1-3, it is noted that it is recommended in COSE to increase the amount of construction and demolition waste recycling. However, there is no discussion of the fact that this type of activity is not currently an allowed use in the Rural Land Zones, where this project resides.

Asphalt and concrete recycling at this site is not compatible with the current Land Use Ordinance. This fact is notably absent when a later discussion of recycling occurs on pages 2-6 and 2-7. Furthermore, it is noted that all recycled material "will be required to be free of oil...". That would be virtually impossible since petroleum is the basic component of asphalt concrete.

Once again, when the issue of Land Use Compatibility is studied on pages 4.14-1 through 4.14-10, there is nothing said about the recycling issue.

The fact that there has been a request for a waiver by the applicant in order to have a recycling component is public knowledge and can be found at the following link...-

<http://margaritaproud.com/LPR-LandUseWaiverRequest.pdf>

Since the DEIR ignores this issue, we find the DEIR to be totally deficient in this area.

We also would note that in letters dated Sept. 7, 2010 , in emails of Sept 10 2010, and another letter of May 18, 2011 to SLO County Planning from SMART we bring up the Land Use compatibility concerns and ask for an interpretation of this issue to be made at that time. We never received an interpretation or a hearing, so this concern remains on the table for this EIR to address. I am including copies of these letters to be included in the record so this issue can no longer be ignored.

A discussion of this issue needs to be included in the EIR and in fairness to the applicant and the EIR preparer, the county needs to make a decision about compatibility and whether they will grant a waiver so the impacts can fully be discussed in the EIR

2) DEMAND FOR AGGREGATE MATERIAL - pages 1-4, 1-5. & 1-6 which include table 1-1 makes no mention of the pending permit for expanding the Hanson Quarry or the possible expansion of the Rocky Canyon Quarry.

To the DEIR's credit, this is included in the Alternatives section of 6.6.1 on pages 6-5 and 6-6 and it is noted that expansion of those quarries may be able to meet the future demand and would then avoid the significant impacts of this quarry. This should be included in the introduction section as well.

However, the statement on page 6-6 that this project would provide an independent, local source of aggregate is unfounded since there is no guarantee this quarry would continue to be owned by local residents in the future. There is nothing that prevents the current applicant from selling it to someone else, and therefore the "independent, local" label has no merit.

3) CONSERVATION AREA - page 1-5 and 1-6 notes the 68.8 acres that will be set aside for permanent conservation. While this is admirable, it should not be considered mitigation for oak tree removal as noted in section 4.5-38. Instead, true mitigation should be achieved by requiring the applicant to purchase and preserve oak woodland based on the amount of canopy removed. This can be achieved by outright purchase or donation to a local Land Conservancy for this purpose.

4) FUEL STORAGE - It is noted on page 1-7, that no fuel storage or vehicle maintenance facilities will be on the project site. It is common knowledge among local residents that Mr. Cole, one of the project applicants, has for years had a fuel storage tank and vehicle maintenance facility on his property within a half-mile of the quarry. This is pertinent as this is likely the source/location where the quarry will be getting it's fuel and maintenance needs met,. Thus the EIR should be addressing that probability.

5) STREAMBED ALTERATION AGREEMENT- page 1-8, section 1.4.4.....Since an agreement with CA Dept. of Fish and Game needs to be in place before streambed alteration can take place, this should be done first, so the EIR can discuss the contents of such an agreement and the resultant environmental impacts. A true assessment of the project impacts cannot be done without that data. It is not sufficient to say an agreement will take place.

## PROJECT DESCRIPTION

1) EQUIPMENT LIST - page 2-7 gives an estimate of the equipment used at the proposed quarry. Since CEQA requires an EIR to look at the worst case scenario of a project when assessing its impact, this equipment list should reflect the amount of equipment required when the quarry is operating at its full capacity so that the full impacts can be addressed.

2) TRUCK TRIPS - page 2-9, paragraph 2 states that up to 800 truck trips a day could occur with a large project. The whole traffic analysis needs to be redone based on this higher number, since, once again, CEQA requires studies be done based on the worst case scenario. Unless the traffic analysis is redone, the DEIR is totally deficient in the traffic and noise areas.

3) SALINAS RIVER WATER USE - page 2-10 states that the quarry will use about 4000 gallons a day. If that is based on average use, the EIR analysis needs to be done based on the quarry operating at its highest capacity so the full impact can be assessed. The DEIR also needs to include comparison of water use by other quarries to this project to show whether that number is realistic.

4) LAND USE COMPATIBILITY - page 3 paragraph 2 notes that the proposed quarry may be inconsistent with several county policies. This is again noted in section 4.14 about Land Use. The project may be inconsistent because of noise issues and traffic on Highway 58. On page 4.14-4, the DEIR specifically notes that the project may be inconsistent with the County's Clean Air Plan, with habitat and conservation planning, with agency environmental plans or policies, and may be inconsistent with surrounding land uses.

Once again, as with the recycling question, SMART feels that in fairness to both the applicant and the public, the county should make these determinations with regards to whether a project is compatible or inconsistent with land use policies, and that determination should be made up front. In this way an applicant understands where they stand before putting too much money into a project that may be infeasible because of land use issues.

## ENVIRONMENTAL SETTING

1) SCENIC RESOURCES - page 3-2, section 3.2 states that the County General Plan and Open Space Element identifies SR 58 as a "Suggested Scenic Corridor" and to the DEIR's credit on page 4.1-2 it treats it as such even though there is not yet an official designation.

2) SURROUNDING LANDS - page 3-3 section 3.3 states that there are 2 residences in the adjacent Rural Lands designation to the east and north of the quarry property. In our discussions with local neighbors and in looking at the enclosed map, that number appears to be grossly underestimated. The Final EIR needs to verify those numbers and correct the document accordingly. Any mitigation should take into consideration the people most affected, and mitigations should be tailored accordingly.

## AESTHETICS and VISUAL

1) SCENIC CORRIDOR - see earlier note on SCENIC RESOURCES

2) VISUAL IMPACTS - pages 4.1-9 through 4.1-14 summarize how the proposed project would change the visual character of the area because of grading and possible night lighting. It is noted that even with the reclamation required, the impact will be significant and not mitigable. (see table at bottom of page 4.1-10). The cumulative effects are also deemed significant and not mitigable. Once again SMART feels that as mitigation the nearest neighbors who will bear most of the negative impacts should be compensated for their losses due to this project. Compensations should be written into the mitigations.

AG RESOURCES - no comments

## AIR QUALITY

1) SIGNIFICANT IMPACTS TO AIR QUALITY - It is noted on page 4.3-11 in Table 4.3.4 that the project could exceed SLOPCD emission thresholds. On page 4.3-20, the DEIR states that the annual ROG and NOX emissions from this project are significant and not mitigable. On page 4.3-21 it is noted that the total emissions could exceed the threshold of 25 tons a year and 25 pounds a day with or without blasting.

The DEIR does not include any discussion of a reduction in hours of operations in order to meet emission thresholds. This discussion should take place in the Final EIR since a reduction in operational hours would in fact be an effective way to mitigate these impacts.

On page 4.3-27, the DEIR mentions the “nearby sensitive receptors” being the most at risk which once again brings up the fact that those who bear the burden of this project, if it is allowed, should also get a share of the benefit with some kind of compensation included in the mitigations.

If the project is allowed to go forward with these impacts not being mitigated, then a possible buy-out of the property owners who are the ““nearby sensitive receptors” should be considered as a condition of approval.

On page 4.3-28 the DEIR states that a formal agreement with SLO APCD has not yet been reached. This should be required by the county so the impacts can be studied in the final EIR.

## GREENHOUSE GAS EMISSIONS

1) Reduction of Greenhouse Gas emissions - on page 4.4-3 in table 4.4-1 with regards to policy AQ 1.2, the DEIR states that providing a local source of aggregate would reduce the need for importing material and thus reduce fuel consumption and greenhouse gases. The same statement is made with regards to AQ 5.2.5 on page 4.4-5. However there is no reference or footnote to any research or study done to support that argument. An assumption has been made that increased local truck trips would replace truck trips from out of the area and have a net reduction of greenhouse gas emissions. There is also no data as to how much reduction would occur.

This raises the question of whether the project quarry will be exporting material to outside

areas. If so, there is potentially no reduction in greenhouse gas emissions as suggested here.

The Final EIR needs to present data to support the greenhouse gas reduction statements and it needs to address whether the quarry will be exporting material outside the county.

Also, on page 4.4-3 in table 4.4-1, with regards to policy AQ 1.7, the increased large truck traffic will not encourage bicycle and pedestrian use along 58. It will, in fact, serve to discourage bicycle use due to safety as well as aesthetic reasons. Therefore, the DEIR is blatantly wrong about this project being potentially consistent with this policy. The final EIR needs to address this and correct that finding.

## BIOLOGICAL RESOURCES

1) Policy Consistency Analysis - On page 4.5-5 in table 4.4-1 it is pointed out that this project is potentially inconsistent with Policy BR 4.3 and goes on to state in the discussion that monitoring is not necessary. Without monitoring, there is no way to ensure project water use data is consistent with their projections. There would be no mechanism to measure if they are consistent, whether they decide to wash aggregate, or to know how much water is actually being used to control dust. Monitoring should be required in the final EIR.

2) 4.5.6 Project Impacts and Mitigation Measures - SMART believes that too often, open space conservation easements occur on lands that are unusable, and serve as mitigation for projects that destroy sensitive species and trees

Instead, true mitigation should be achieved by requiring the applicant to purchase and preserve oak woodland based on the amount of canopy removed. This can be achieved by outright purchase or donation to a local Land Conservancy for this purpose.

GEOLOGY - No comments

HAZARDS AND HAZARDOUS MATERIALS – Once again, we believe that any mitigation should take into consideration the people who are most affected, and tailor the mitigations accordingly. It is critical that those who bear the burden of this project, if it is allowed, should get a share of the benefit with some kind of compensation included in the mitigations.

## NOISE

1) TRUCK TRAFFIC NOISE - The DEIR notes that the project will cause an increase in the LDn because of traffic, and will add to the problem in Margarita Village where the level already exceeds 60LDn, and that this impact (MM-Noise 1) is significant and not mitigable. Therefore, in order for this project to go forward, the County would have to find an overriding consideration that would find the community benefits outweigh the significant impacts.

The Final EIR needs to include a discussion of possible community benefits, as none are immediately evident.

2) QUARRY OPERATIONS - The DEIR states that noise during the normal operation of the quarry will be significant and not mitigable. (MM Noise 2a, 2b and 2c).

Once again, in order for this project to go forward the County would have to find an

overriding consideration that would find the community benefits outweigh the significant impacts.

The Final EIR needs to include a discussion of possible community benefits.

PUBLIC SERVICES & UTILITIES - no comments

RECREATION - no comments

## TRANSPORTATION & CIRCULATION

1) CEQA REQUIRES WORST CASE SCENARIO ANALYSIS - In the DEIR's Project Description section on page 2-9, paragraph 2 it states that up to 800 truck trips a day could occur with a large project. As noted in our comments, above, the whole traffic analysis needs to be redone and based on this higher number, since CEQA requires studies be done based on the worst case scenario. Unless this is done, the DEIR is totally deficient in the traffic and noise areas.

2) TRAFFIC CIRCULATION ON NEIGHBORHOOD STREETS - The DEIR also completely ignores the impacts the increased truck traffic will have on residential neighborhood streets, specifically on I and H streets. Many private vehicles will take residential streets as an alternate route to avoid the back-up of traffic that will inevitably occur along Estrada at the Estrada/ El Camino intersection. A Transportation Impact Analysis needs to be done to assess this impact.

3) BICYCLE USE OF HIWAY 58 - The DEIR does not adequately address the issue of bicycle traffic on Highway 58. Since this is a designated bicycle route, and one of the county's land use policy goals is to encourage bicycle use, an assessment of this use and the effect this project will have on it needs to be done in the Final EIR.

4) CALTRANS KPRA ADVISORY FOR HIWAY 58 - The discussion on page 4.11-3 points out the Caltrans 30 foot KPRA truck advisory for Highway 58 and the safety issues with the longer length trucks being able to stay in designated lanes. Many of the trucks using the quarry facility will be more than double the advised KPRA length. The DEIR needs be revised to reflect that this advisory applies to the entire length of SR 58 from J St. in Santa Margarita to the Kern county line.

5) EL CAMINO/ ESTRADA INTERSECTION - Pages 4.11-7 and 4.11-8 discuss the distance between the stop sign on El Camino and the railroad crossing. The DEIR states the distance to be 78 feet. In actuality, it is closer to 60 feet. Since many of the trucks using the quarry will be longer than 70 feet, this will create a dangerous condition. The final EIR needs to address this and, as a mitigation, impose a fixed limit on the size of vehicles allowed to use the quarry facility.

6) QUARRY ACCESS - Pages 4.11-23, 24 and 25 discuss quarry access and staging of trucks at the quarry site and has a table of mitigation measures proposed. Impact Traffic 3A recognizes the disruption to normal highway traffic that will occur at the quarry entrance. The mitigation

basically says that an Encroachment Permit with Caltrans will take care of this problem.

There are no specifics about what this permit will require, therefore it cannot accurately conclude that this will mitigate the problem.

Anything short of a left hand turn lane will create major delays to traffic at the quarry access point. The EIR needs to address this and propose suitable mitigations.

7) SALINAS RIVER BRIDGE - There is no discussion or analysis in the DEIR about the weight of fully loaded gravel trucks routinely crossing and exceeding the operating capacity of the Salinas River Bridge. This impact needs to be addressed in the Final EIR.

8) CUMULATIVE IMPACTS - Page 4.11-29 includes the mitigation for the cumulative traffic impacts. It correctly notes that these impacts will be significant and not mitigable.

Any future improvements cannot be assured since it remains ultimately in Caltrans jurisdiction. Because of this, the safety concerns with the nearby elementary school, the off-tracking that will occur with the large trucks on Highway 58, the staging and access disruptions, all are completely inappropriate for existing conditions. Once again, the Final EIR needs to include an analysis of possible community benefits so the decision-makers could weigh these benefits against the significant long-term impacts of this project.

9) MITIGATIONS - In general, the mitigations proposed for the traffic issue in this DEIR are very weak when compared to the mitigations for traffic implemented for the Sunpower-California Valley Solar Ranch project. That project also utilizes State Highway 58. The Sunpower project expected an increase of 25% daily truck travel for up to a period of 36 months compared to a 450% truck traffic increase that comes with this project or up to 56 years. The Final EIR should study the mitigations for the Sunpower-California Valley Project and upgrade the mitigations for this project where appropriate.

WASTEWATER - no comments

## WATER QUALITY

1) SANTA MARGARITA RESERVOIR - In discussion on page 4.14-4 and 5, it notes the permit requirements for maintenance of Salinas surface flow but no study is done of proposed methods to assess project impacts on possible downstream release from the reservoir. This needs to be done in the final EIR.

2) WATER USE - Page 4.13-11 estimates water use for this project to be 7AFY. Research of water use at other quarries indicates that this estimate is low. While this projects claims it will not be washing aggregate, even the estimate of 4000 gallons a day for dust control appears to be low. At the nearby Hanson Quarry, which produces 700,000 annual tons of material (compared to 500,000 for the proposed project), the total water use is estimated at 300 AFY. Assuming one third of that is used for aggregate washing (which is a high estimate) that would leave the Hanson water use at 200AFY.

Each project has unique issues, but the water use estimate for the Las Pilitas Quarry seems to be way out of line when compared to the industry standard. The Final EIR needs to include a

condition of approval that prevents any washing of aggregate in the future, and needs to reassess the water use and the effect it will have on CSA 23.

3) **WAIVER FOR RECYCLING** – It is public knowledge that the applicant has requested a waiver in order to have a recycling component. This can be found at the following link:

<http://margaritaproud.com/LPR-LandUseWaiverRequest.pdf>

The Final EIR needs to assess the impacts that recycling concrete and asphalt would have on the Salinas River. Without this assessment, the Final EIR should propose a condition of approval that prohibits any recycling of materials in the future.

4) **CUMULATIVE IMPACTS** - Research of water use at other quarries indicates that the estimate in this DEIR is low. The Final EIR should study and assess the use at other quarry operations and adjust the water-use figures as appropriate. This would also require a new assessment of the impacts on the Salinas River and all of the downstream water users.

## LAND USE

1) **INCOMPATIBILITY ISSUES** - The DEIR notes that analysis has identified a number of issues with land use compatibility, specifically in the areas of aesthetics and visual, noise, and traffic. On pages 4.14-9 and 10, there is a table that outlines various Applicant Proposed Measures to help mitigate these problems. The DEIR also notes that a future decision by the county will be made about implementing these measures.

Once again, like with the recycling question, SMART stresses that in fairness to both the applicant and the public, the county should make these determinations with regards to whether a project is compatible or inconsistent with land-use policies up front, and that this should be included in the Final EIR.

## EFFECTS THAT ARE LESS THAN SIGNIFICANT

1) 4.15.6 EMISSIONS, 4.15.8 CLEAN AIR PLAN, 4.15.9 AIR QUALITY - page 2-9, paragraph 2 states that up to 800 truck trips a day could occur with a large project. Note our earlier comments, Project Description, #2 Truck Trips.

2) 4.15.1 BIOLOGICAL RESOURCES - page 1-5 and 1-6 notes the 68.8 acres that will be set aside for permanent conservation. Note our comments, Introduction, #3.

3) 4.15.25 TRAFFIC - page 2-9, paragraph 2 states that up to 800 truck trips a day could occur with a large project. Note our earlier comments, Project Description, #2 Truck Trips.

4) 4.15.27 SURFACE WATER, 4.15.28 CSA 23, 4.15.29 WATER QUALITY AND SUPPLY - Research of water use at other quarries indicates that the estimate in this DEIR for this is low. As noted earlier, the Final EIR needs to study and assess the use at other quarry operations and adjust the water-use figures as needed.



## CUMULATIVE EFFECTS SUMMARY

1) NOISE - page 2-9, paragraph 2 states that up to 800 truck trips a day could occur with a large project. Note our earlier comments, Project Description, #2 Truck Trips.

2) TRAFFIC - page 2-9, paragraph 2 states that up to 800 truck trips a day could occur with a large project. Note our earlier comments, Project Description, #2 Truck Trips, and Traffic and Circulation, #8.

3) WATER USE - Research of water use at other quarries indicates that the estimate in this DEIR for this is low. See our earlier comments..

## PROJECT ALTERNATIVES

1) 6-8 ALTERNATIVE ACCESS ROUTE TO 58 VIA HANSON QUARRY - The proposed access route in this alternative, while attempting to mitigate some of the traffic, still fails to address many problems with regards to quarry access, still uses a portion 58, and increases the noise, air quality, and visual impacts for a number of the nearby residences. SMART could only support a redesigned route that avoids the impacts noted.

2) NO PROJECT ALTERNATIVE - Given the amount of significant impacts that cannot be mitigated, and the long-term negative consequences that this proposed project will have on the Santa Margarita community, this alternative is the preferred alternative by SMART.

Once again, the Final EIR needs to include an analysis of potential community benefits (if any) so the decision-makers can weigh these benefits against the significant long-term impacts that this project will have. If no community benefits are found, as we suspect, then this needs to be stated in the Final EIR.

This concludes our comments at this time. We look forward to the responses in the Final EIR. Thank you for the opportunity to provide input.

John Beccia  
President, SMART

## CORRESPONDENCE ABOUT RECYCLING

Sept. 7, 2010

Dear Mr. Oliveira and County Staff,

In our letter dated July 17, 2010 regarding the Oster Quarry project, we ended our comments with the following sentence; In fairness to both the public and the applicant, the county should make an official decision about whether the asphalt and concrete recycling is or is not allowed under the present land use zoning.

We are writing again to reiterate that point, and formally request that a decision on the recycling issue be issued by the Board of Supervisors. The applicant and the public need to know whether this component is allowed or not allowed, since it will determine whether or not this issue will be part of the upcoming environmental review.

Thank you for your consideration. We will be looking forward to your response.

John Beccia  
SMART  
PO Box 50  
Santa Margarita, CA 93453

Begin forwarded message:

From: John Beccia <upndair@netzero.net>

Date: September 10, 2010 12:19:53 PM PDT

To: joliveira@co.slo.ca.us

Cc: jnall@co.slo.ca.us, jpatterson@co.slo.ca.us, ecarroll@co.slo.ca.us

Subject: Oster recycling

Sept. 10. 2010

Dear Mr. Oliveira,

It seems to us that the language is clear concerning the asphalt recycling issue and that it should not be allowed in this project. As in an earlier letter we wrote, we will cite the interpretation procedure in LUO section 22.02.030 which reads as follows...

If questions arise from persons or bodies charged with  
> administering this Title about its content or application, the  
> Commission shall ascertain all pertinent facts, and by resolution  
> set forth its findings and interpretation. The resolution shall be  
> forwarded to the Board, which shall consider the findings and  
> interpretation of the Commission and render a final decision and  
> interpretation on the matter. Thereafter the interpretation of the  
> Board shall prevail.

Though this may not provide the grounds for not accepting the application, it clearly states the procedure for interpretation. Again, this interpretation should be made by the county to serve both the interests of the public and the applicant so they both know the scope of the application and what the EIR needs to address. Why make the applicant pay for studies for something that may not be allowed, and why make the public concern itself with that aspect of the operation if it is not permitted in this land use zoning?

Thank you,  
John Beccia  
SMART  
PO Box 50  
Santa Margarita, CA 93453

From: joliveira@co.slo.ca.us  
To: John Beccia <upndair@netzero.net>  
Cc: ecarroll@co.slo.ca.us, jnall@co.slo.ca.us, jpatterson@co.slo.ca.us  
Subject: Re: Oster recycling  
Date: Fri, 10 Sep 2010 14:07:26 -0700

Hi John-

I hope your enjoying the return of the sunshine today. I believe the ordinance section quoted below pertains to the interpretation process. As you know, if staff or someone from the public

wants a detail of the ordinance to be interpreted, the Planning Commission has the ability to hear the facts and make an interpretation to be passed along to the Board of Supervisors, at which point an official interpretation is rendered.

Although staff is not requesting an official interpretation at this time, staff will be providing a full analysis of all pertinent environmental issues (which includes Land Use consistency analysis) to the public for review and eventually to the County decision makers through the EIR process. Because the scope of the upcoming EIR has not yet been finalized, it would be too early to comment on what the land use consistency analysis

will include or whether staff can support the project as a whole or whether only portions of the proposed project can be supported, or not at all.

However, we can confidently say that the proposed recycling component of the project will be scrutinized under the land use analysis and it will be circulated for public review and comment.

As you know, the intricacies of a complicated project review like this can become very involved. Sometimes emails aren't enough. I would be happy to talk to you on the phone or in person if you'd like to discuss your questions and concerns. Of course, emails are fine too, but I wanted to make sure you know I'm always available.

Jeff Oliveira

Environmental Resource Specialist

Department of Planning and Building Environmental Resource Division

County of San Luis Obispo

(805) 781-4167

My response that same day-Fri Sept 10 2010

Jeff,

Thanks for your response. I think it was clear from my email yesterday that we (SMART) as the public are formally requesting an interpretation so it can be settled before the EIR process takes place. Supervisor Patterson has informed me that he was going to discuss our request with Ellen Carroll and get back to me. During the Santa Margarita Ranch application process the same mistake was made when staff made a decision to go ahead and not issue a formal determination. I believe that the proper Land Use issue is still part of North County Watch's suit about the ranch. This kind of question should be resolved early in the process so it can be put to rest.

Thank you,  
John Beccia

John Nall  
SLO County Planning  
May 18, 2011

Dear Mr. Nall:

I am writing to repeat a request that we have made on at least two occasions in the past year: Regarding the Los Pilitas / Oster Quarry (DCR2009-00025), the application currently submitted to the County of San Luis Obispo for consideration includes an asphalt and concrete recycling facility. The description of allowed uses in a rural lands zoning area (RL) makes it quite clear that unless there was an application for or an existing land-fill, the recycling facility is just not allowed.

This situation is very similar to a previous discussion regarding the same application. Specifically, the application also had an asphalt manufacturing component. We asked for and received a clarification hearing that put to rest that particular issue once and for all.

Consider the benefits to all parties that that decision provided: Planning did not have to continue to analyze an obviously non-compliant use, the applicant is not spending money to defend the use and the public does not have to continuously defend themselves against this potential violation of zoning.

The county has language that allows interpretation of Land Use Ordinance language...(TK, please resend clarification language).

SMART is again formally asking for a clarification hearing in front of the Planning Commission and the Board of Supervisors. The question will be: Is asphalt and concrete recycling allowed under the land use ordinance for this specific pending operation?

If indeed, as we assert, the answer is "no," we request that the applicant be required to remove that use from the application before further processing of that application is allowed. The applicant can be directed towards the process for a general plan amendment, if they still desire to have an asphalt and concrete recycling facility.

Mr. Nall, please respond to this request as soon as possible. This request is not at all rhetorical, we feel this hearing needs to happen as soon as possible.

Sincerely,

John Beccia  
Smart President.

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Find out more about the new BlackBerry 10 smartphone.

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